

REMARKS

Claims 1-18 are pending in this application. Applicants respectfully request reconsideration and prompt allowance for the pending claims at least in light of the following remarks.

Applicants appreciate the Office Action's indication that claims 5-7, 12-14, and 18 include allowable subject matter. Further, Applicants respectfully assert that all claims are allowable for the reasons discussed below.

I. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-4, 8-11, and 15-17 under 35 U.S.C. §103(a) over U.S. Patent No. 6, 208, 436 to Cunningham in view of U.S. Patent No. 7,365,889 to Lay. The rejection is respectfully traversed.

Cunningham and Lay either alone or in combination, fail to disclose each and every feature recited in claim 1. For example, the applied references fail to disclose an image reading apparatus including an "image reader including a confirmation-signal producing portion which produces a resolution confirmation signal representing a second reading resolution which should be identical, when the first reading resolution has normally been indicated by the controller to the image reader, with the first reading resolution indicated by the controller," as recited in claim 1.

The Office Action agrees that Cunningham fails to disclose the above feature. However, the Office Action asserts that Lay remedies this deficiency. The Office Action further asserts the system of Lay allegedly outputs the first reading resolution to the scanning optimizer 222, which sends back a suggested correct resolution (alleged to be the second reading resolution) to a user. Applicants respectfully disagree with this assertion.

For example, Lay discloses that if the document is determined to be a transparency, the optimizer 316 (similar to optimizer 222) of Lay determines whether the scanning

resolution that the user has selected is appropriate (see Lay, col. 8, lines 43-48). Accordingly, optimizer 316 of peripheral device 102 judges whether the first scanning resolution that the user has selected is appropriate (see Lay, col. 7, lines 66-67). In other words, optimizer 316 of Lay judges whether the scanning resolution that the user has selected has been appropriately indicated by computing device 104 to the scanner 102. Lay further discloses that if the resolution is 600 dpi or greater, the method terminates (see Lay, col. 8, lines 55-60). However, if the resolution is under 600 dpi, optimizer 326 alerts the user that the scanning resolution is not optimized for transparency scanning (see Lay, col. 8, lines 55-60). Such a signal warns the user that the scanning signal is not optimized rather than confirming that the signal is optimized. Therefore the signal is not a confirmation signal.

In contrast, the image reader of claim 1 includes a confirmation signal producing portion which produces a resolution confirmation signal representing a second reading resolution which should be identical when the first reading resolution has normally been indicated by the controller to the image reader, with the first reading resolution indicated by the controller and outputs the resolution confirmation signal to the controller.

In addition, Lay discloses that if the first scanning resolution selected by the reader is not appropriate (i.e. has not been properly indicated by PC 114 to scanner 102) the user is alerted that the first scanning resolution selected by the user is not appropriate and a device suggests that the first scanning resolution be changed to an appropriate scanning resolution that should not be identical with the first scanning resolution (see Lay, col. 9, line 18). In contrast, claim 1 recites that the confirmation-signal producing portion of the image reader produces a resolution confirmation signal representing a second reading resolution which should be identical to the first reading resolution when the first reading resolution has normally been indicated by the controller to the image reader with the first reading resolution indicated by the controller. Moreover, the suggested resolution of Lay being sent back to the

correspond to the second reading resolution recited in claim 1 because the suggested resolution should not be identical with the first reading resolution as required by claim 1.

Furthermore, Lay discloses a device for determining whether the optimizer 222 will present a scanning resolution suggestion to the user (see Lay, col. 9, lines 3-11). As discussed above, the suggested scanning resolution is a corrected scanning resolution, and is thus different from the first scanning resolution. Therefore, the device of Lay that determines whether optimizer 22 will present a scanning resolution suggestion determines whether the suggested scanning resolution is different. In contrast, claim 1 recites that the controller includes a judging portion which receives the resolution confirmation signal from the image reader, and judges whether the second reading resolution represented by the received resolution confirmation signal is identical with the first reading resolution indicated to the image reader and thereby judges whether the first reading resolution has normally been indicated to the image reader. Therefore, Lay fails to remedy the deficiency of Cunningham, thereby rendering claim 1 patentable over the combination of Cunningham and Lay.

Independent claims 8 and 15 recite features similar to claim 1. Therefore, these claims are also patentable for the same reasons as discussed above for claim 1 as well as for the additional features these claims recited.

Dependent claims 2-4, 9-11, 16, and 17 depend from independent claims 1, 8 and 15 respectively. Therefore, these claims are also patentable for at least for their dependency on claims 1, 8, and 15 as well as for the additional features these claims recite.

Applicants thus respectfully request withdrawal of the rejection.

II. Claims 5 and 12

The Office Action indicates claims 5 and 12 recite allowable subject matter. However, pages 8 and 9 of the Office Action includes claims 5 and 12 in the §103(a)

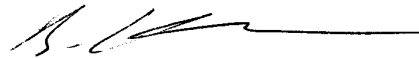
rejection. Applicants assert that because the Office Action indicates that claims 5 and 12 recite allowable subject matter, the rejection of claims 5 and 12 should be withdrawn.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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